

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cr-00224-AT-CMS
)	
ALLEN J. PENDERGRASS,)	
Defendant.)	
_____)	

**DEFENDANT’S NOTICE REGARDING MOTION FOR LEAVE TO FILE
MOTION TO DISMISS (DOC. 90) OUT OF TIME AND BRIEF IN
SUPPORT**

Mr. Pendergrass hereby notifies the court that his request for leave to file an out of time motion pertains only to the previously filed motion (doc. 90). He does not plan to file any further motions or briefs in connection with this issue, other than reply briefs as necessary and as already permitted by the Court.

By filing the recent motion for leave to file (doc. 104), counsel intended only to address the Court’s concern about the timeliness of docket number 90. Counsel is not seeking to file an additional brief on this topic.

Respectfully submitted this 20th day of March 2019.

/s/SARALIENE S. DURRETT
Saraliene S. Durrett
GA Bar No. 837897
Counsel for Mr. Pendergrass

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date electronically filed the foregoing notice with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

All Defense Counsel

All AUSAs of record

This 20th day of March 2019.

/s/SARALIENE S. DURRETT

Saraliene S. Durrett

GA Bar No. 837897

Counsel for Mr. Pendergrass